

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3281**, a text amendment to Title 27 of the Lincoln Municipal Code, requested by the Director of Planning, to amend Chapter 27.54, and to delete Section 27.54.030, which requires a minimum of one acre for "P" Public Use zoning.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 9/20/00
Administrative Action: 9/20/00

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (9-0: Duvall, Hunter, Taylor, Schwinn, Steward, Newman, Krieser, Carlson and Bayer voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this proposed text amendment is based upon the following analysis:
 - A. The "P" Public Use District provides a district for mapping purposes which will identify real property presently owned and used by any governmental entity, including local, state, or federal governmental units, and put to some form of public use. The district is not applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership.
 - B. The "P" district was adopted on May 8, 1979 as part of the overall new zoning update.
 - C. The one acre minimum was inserted to eliminate the need to map numerous small remnants left over from right of ways, subdivisions, etc.
 - D. There is no requirement to map all publicly owned land, so minuscule remnants will not be so designated. The ability of today's computer mapping to track and to represent such remnants does exist, however, an ability that did not exist in 1979.
 - E. Removing the one acre minimum permits some small holdings, such as community buildings, to be designated "P". Such a designation permits a much broader ability to use the properties than would be possible under conventional zoning districts.
2. This application was placed on the Consent Agenda of the Planning Commission on September 20, 2000, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 26, 2000

REVIEWED BY: _____

DATE: September 26, 2000

REFERENCE NUMBER: FS\CC\FSCZ3281

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: CHANGE OF ZONE NO. 3281

DATE: SEPTEMBER 7, 2000

PROPOSAL: The Planning Director proposes to amend Chapter 27.54, and to delete Section 27.54.030, which requires a minimum of one acre for "P" zoning.

GENERAL INFORMATION:

APPLICANT: Kathleen A. Sellman, AICP, Director of Planning,
at the request of the City Attorney's Office

Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508
402-441-7491

CONTACT: John L. Bradley, AICP
Assistant Planning Director, Land Use
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508
402-441-6372

REQUESTED ACTION: Amend Chapter 27.54 and delete Section 27.54. 030 to delete the one acre minimum requirement for "P" zoning.

LEGAL DESCRIPTION: Chapter 27.54 of the Lincoln Municipal Code

ANALYSIS:

1. The "P" Public Use District provides a district for mapping purposes which will identify real property presently owned and used by any governmental entity, including local, state, or federal governmental units, and put to some form of public use. The district is not applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership.
2. The "P" district was adopted on May 8, 1979 as part of the overall new zoning update.
3. The one acre minimum was inserted to eliminate the need to map numerous small remnants left over from right of ways, subdivisions, etc.
4. There is no requirement to map all publicly owned land, so minuscule remnants will not be so designated. The ability of today's computer mapping to track and to represent such remnants does exist, however, an ability that did not exist in 1979.
5. Removing the one acre minimum permits some small holdings, such as community buildings, to be designated "P". Such a designation permits a much broader ability to use the properties than would be possible under conventional zoning districts.

STAFF RECOMMENDATION: APPROVAL

This approval amends Chapter 27.54 as follows:

Chapter 27.54

P PUBLIC USE DISTRICT

Sections:

27.54.010	Scope of Regulations.
27.54.020	Permitted Uses.
27.54.030	Area Regulations.

This district is intended to provide a district essentially for mapping purposes which will identify real property of one acre or more presently owned and used by any governmental entity, including local, state, or federal governmental units, and put to some form of public use. This district is not intended to be applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership. (Ord. 12571 §267a; May 8, 1979).

27.54.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the P Public Use District. (Ord. 12571 §267a; May 8, 1979).

27.54.020 Permitted Uses.

A building or premises owned by any governmental entity, including local, county, state, federal governmental units and their subdivisions, and in some form of public use, shall be permitted to be located in the P Public Use District. The provisions of this chapter shall not apply to land in private ownership, even if leased to or the subject of an easement to a governmental entity, or to describe the future location of such public uses. (Ord. 12571 §267a; May 8, 1979).

~~**27.54.030 Area Regulations.**~~

~~The P Public Use District shall have a minimum district size of one acre. (Ord. 12571 §267a; May 8, 1979).~~

This report prepared by:

John L. Bradley, AICP
Assistant Planning Director

CHANGE OF ZONE NO. 3281

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3281; CHANGE OF ZONE NO. 3283; SPECIAL PERMIT NO. 1851A; COUNTY SPECIAL PERMIT NO. 184; SPECIAL PERMIT NO. 1826; SPECIAL PERMIT NO. 1872; SPECIAL PERMIT NO. 1874; FINAL PLAT NO. 99040, EAGLE CREST ADDITION; FINAL PLAT NO. 00010, VINTAGE HEIGHTS 8TH ADDITION; FINAL PLAT NO. 00021, RIDGE POINTE 1ST ADDITION; FINAL PLAT NO. 00025, PRAIRIE FALLS ESTATES ADDITION; STREET & ALLEY VACATION NO. 00015; STREET & ALLEY VACATION NO. 00016; AND MISCELLANEOUS NO. 00007, AMENDMENT TO THE NORTH 27TH STREET REDEVELOPMENT PLAN.**

Item No. 1.2a, Change of Zone No. 3283; Item No. 1.2b, Special Permit No. 1851A; Item No. 1.3, County Special Permit No. 184; Item No. 1.4, Special Permit No. 1826; Item No. 1.5, Special Permit No. 1872; Item No. 1.6, Special Permit No. 1874 and Item No. 1.13, Miscellaneous No. 00007, were removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Schwinn and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'.

Note: This is final action on Eagle Crest Addition Final Plat No. 99040, Vintage Heights 8th Addition Final Plat No. 00010, Ridge Pointe 1st Addition Final Plat No. 00021 and Prairie Falls Estates Addition Final Plat No. 00025, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.